

Message Text

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PAGE 01 USUN N 05841 100607Z

21

ACTION IO-10

INFO OCT-01 AF-04 ARA-06 EA-06 EUR-12 NEA-06 RSC-01 ISO-00

CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 SAM-01 /088 W

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P R 100243Z DEC 74

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 8350

INFO AMEMBASSY MADRID

AMEMBASSY RABAT

AMEMBASSY TUNIS

AMEMBASSY ALGIERS

AMEMBASSY NOUAKCHOTT

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E.O. 11652: N/A

TAGS: PFOR UN SS

SUBJ: SPNISH SAHARA

FOLLOWING IS REVISED TEXT OF DRAFT RESOLUTION ON SPANISH
SAHARA WHICH MOROCCANS CLAIM WILL HAVE 23 AFRICAN COSPONSORS
WHEN IT IS PRESENTED IN FOURTH COMMITTEE DEC 10. VOTE IS
EXPECTED DEC 11. SPAIN CLAIMS THAT THEY
HAVE NOT YET RECEIVED INSTRUCTIONS.

QTE

QUESTION OF THE SO CALLED SPANISH SAHARA

DRAFT RESOLUTION

THE GENERAL ASSEMBLY,

RECALLING ITS RESOLUTION 1514(XV) OF 14 DECEMBER
1960, ON THE GRANTING OF INDEPENDENCE TO THE COLONIAL
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PAGE 02 USUN N 05841 100607Z

COUNTRIES AND PEOPLES,

RECALLING ALSO ITS RESOLUTION 2072(XX) OF 16 DECEMBER 1965, 2229(XXI) OF 20 DECEMBER 1966, 2354(XXII) OF 19 DECEMBER 1967, 2428(XXIII) OF 18 DECEMBER 1968, 2591(XXIV) OF 16 DECEMBER 1969, 2711(XXV) OF 14 DECEMBER 1970, 2983(XXVII) OF 14 DECEMBER 1972 AND 3162(XXVIII) OF 14 DECEMBER 1973,

REAFFIRMING THE RIGHT TO SELF DETERMINATION OF THE POPULATIONS OF THE SO-CALLED SPANISH SAHARA IN ACCORDANCE WITH RESOLUTION 1514 OF 14 DECEMBER 1960,

CONSIDERING THE THE PRESISTENCE OF A COLONIAL SITUATION IN WESTERN SAHARA, JEOPARDIZES THE STABILITY AND HARMONY IN THE NORTH-WEST AFRICAN REGION,

TAKING INTO ACCOUNT THE STATEMENTS MADE IN THE GENERAL ASSEMBLY ON 30 SEPTEMBER AND 2 OCTOBER 1974, BY THE MINISTERS OF FOREIGN AFFAIRS OF THE KINGDOM OF MOROCCO AND THE ISLAMIC REPUBLIC OF MAURITANIA,

TAKING NOTE OF THE STATEMENT MADE IN THE FOURTH COMMITTEE BY THE REPRESENTATIVES OF MOROCCO AND MAURITANIA, IN WHICH THESE TWO COUNTRIES ACKNOWLEDGED THAT THEY WERE BOTH INTERESTED IN THE FUTURE OF THIS TERRITORY,

HAVING HEARD THE STATEMENT BY THE REPRESENTATIVE OF THE PEOPLES' DEMOCRATIC REPUBLIC OF ALGERIA,

HAVING HEARD THE STATEMENT BY THE REPRESENTATIVE OF SPAIN

NOTING THAT DURING THE DISCUSSION A LEGAL CONTROVERSY AROSE OVER THE STATUS OF THE SAID TERRITORY AT THE TIME OF ITS COLONISATION BY SPAIN,

CONSIDERING THEREFORE THAT FOR FUTURE DISCUSSION IT IS HIGHLY DESIRABLE THAT THE GENERAL ASSEMBLY SEEK A CONSULTATIVE OPINION ON SOME IMPORTANT LEGAL ASPECTS OF THE PROBLEM DURING ITS THIRTIETH SESSION,
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PAGE 03 USUN N 05841 100607Z

BEARING IN MIND ARTICLE 96 OF THE CHARTER OF THE UNITED NATIONS, AND ARTICLE 66 OF THE STATUS OF THE INTERNATIONAL COURT OF JUSTICE,

1. DECIDES TO SEEK AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE WITHOUT PREJUDICE OF THE APPLICATION OF THE PRINCIPLES EMBODIED IN RESOLUTION 1514 OF 14 DECEMBER

1960 AT AN EARLY DATE ON THE FOLLOWING QUESTIONS:

I-WAS THE WESTERN SAHARA (RIO DE ORO AND SAKIET EL
HAMRA) RES NULLIUS AT THE TIME OF COLONISATION BY SPAIN?

IF THE ANSWER TO THE FIRST QUESTION WAS IN THE NEGATIVE,

II-WHAT LEGAL TIES EXISTED BETWEEN THIS TERRITORY AND
BOTH THE KINGDOM OF MOROCCO AND MAURITANIA AS A
WHOLE?

2. CALLS UPON SPAIN, IN ITS CAPACITY AS ADMINISTERING
POWER IN PARTICULAR, AS WELL AS MOROCCO AND MAURITANIA
IN THEIR CAPACITY AS INTERESTED PARTIES, TO SUBMIT TO THE
COURT ALL SUCH INFORMATION AND DOCUMENT AS MAY BE NEEDED
TO CLARIFY THESE QUESTIONS;

3. INVITES URGENTLY THE ADMINISTERING POWER TO POSTPONE
THE REFERENDUM IT HAD COMTEMPLATED IN WESTERN SAHARA UNTIL
THE GENERAL ASSEMBLY DECIDES ON THE POLICY TO BE FOLLOWED IN
ORDER TO ACCELERATE THE DECOLONISATION PROCESS IN THIS
TERRITORY IN ACCORDANCE WITH RESOLUTION 1514(XV) IN THE
BEST POSSIBLE CONDITION, IN THE LIGHT PARTICULARLY OF
THE CONSULTATIVE OPINION GIVEN BY THE INTERNATIONAL COURT
OF JUSTICE;

4. REITERATES ITS INVITATION TO ALL STATES TO OBSERVE
THE RESOLUTIONS OF THE GENERAL ASSEMBLY REGARDING THE
ACTIVITIES OF FOREIGN, ECONOMIC AND FINANCIAL INTERSTS,
AND TO ABSTAIN FROM CONTRIBUTING BY THEIR INVESTMENTS OR
IMMIGRATION POLICY TO THE MAINTENANCE OF A COLINIAL
SITUATION IN THIS TERRITORY;

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PAGE 04 USUN N 05841 100607Z

5. REQUESTS THE SPECIAL COMMITTEE TO KEEP THE SITUATION
IN THIS TERRITORY UNDER VIEW, INCLUDING THE SENDING OF A
VISITING MISSION TO THE TERRITORY, AND REPORT TO THE GENERAL
ASSEMBLY AT ITS THIRTIETH SESSION. UNQTE
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INDEPENDENCE, AGREEMENT DRAFT, TEXT, RESOLUTIONS, DEPENDENCIES
Control Number: n/a
Copy: SINGLE
Draft Date: 10 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USUNN05841
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740357-0824
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741245/aaaabmrm.tel
Line Count: 159
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 14 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 JUN 2002 by cunninfx>; APPROVED <26 MAR 2003 by CunninFX>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SPNISH SAHARA FOLLOWING IS REVISED TEXT OF DRAFT RESOLUTION ON SPANISH
TAGS: PFOR, PORG, SS, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005